

HON. SALVADOR MENDOZA JR.

Jerry J. Moberg
Moberg Rathbone Kearns, P.S.
jmoberg@mrklawgroup.com
P.O. Box 130 – 238 W. Division Ave
Ephrata, WA 98823
Phone: (509) 754-2356
Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WENDY FARRIS,

Plaintiff,

v.

LOREN CULP, REPUBLIC POLICE
DEPARTMENT, CHRISTINE CLARK,
FERRY COUNRTY SHERIFF,

Defendants.

NO. 2:20-CV-00290-SMJ

**DEFENDANT LOREN CULP &
REPUBLIC POLICE
DEPARTMENT'S ANSWER TO
PLAINTIFF'S AMENDED
COMPLAINT AND DEMAND
FOR JURY**

COME NOW Loren Culp and Republic Police Department ("RPD")¹
hereinafter referred to as "Republic Defendants" by and through their attorney of
record, Jerry J. Moberg, and demand that his case be tried by a jury and enter this
answer to Plaintiff's Complaint as follows:

¹ The City of Republic is not listed as a defendant in the caption; defendants
understand that the Republic Police Department is an agency of the City.

INTRODUCTION

1
2 1. In answer to the allegations in paragraph 1 of Plaintiff's Amended
3 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
4 and therefore DENY the same.
5

6 2. In answer to the allegations in paragraph 2 of Plaintiff's Amended
7 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
8 and therefore DENY the same.

9 3. In answer to the allegations in paragraph 3 of Plaintiff's Amended
10 Complaint, the Republic Defendants DENY the allegations against Defendant's
11 Culp and City of Republic. Defendant lacks sufficient knowledge to ADMIT or
12 DENY the remaining allegations contained in this paragraph and therefore DENY
13 the same.
14

JURISDICTION & VENUE

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16 4. In answer to the allegations in paragraph 4 of Plaintiff's Amended
17 Complaint, ADMIT jurisdiction is proper.

18 5. In answer to the allegations in paragraph 5 of Plaintiff's Amended
19 Complaint, Republic Defendants ADMIT venue is proper.
20

21 6. In answer to the allegations in paragraph 6 of Plaintiff's Amended
22 Complaint, Republic Defendants ADMIT the allegations contained Paragraph 6 of
23 Plaintiff's First Amended Complaint.
24

PARTIES

7. In answer to the allegations in paragraph 7 of Plaintiff's Amended Complaint, Republic Defendants lack sufficient knowledge to ADMIT or DENY and therefore, DENY the same.

8. In answer to the allegations in paragraph 8 of Plaintiff's Amended Complaint, the Republic Defendants ADMIT the same.

9. In answer to the allegations in paragraph 9 of Plaintiff's Amended Complaint, the Republic Defendants ADMIT Loren Culp was the acting Police Chief with Republic Police Department, a resident of Washington State and acting within the scope of his employment. The remaining paragraph is an incomplete statement of law and does not require a response. To the extent it requires a response, Republic Defendants DENY the same.

10. In answer to the allegations in paragraph 10 of Plaintiff's Amended Complaint, the Republic Defendants ADMIT Ferry County is a municipality located within the State of Washington. The remaining allegations contained in Paragraph 10 of Plaintiff's First Amended Complaint constitute a legal conclusion to which no response is required. Further, Defendant lacks sufficient knowledge to confirm or deny and therefore DENY the same.

11. In answer to the allegations in paragraph 11 of Plaintiff's Amended Complaint, Republic Defendants ADMIT City of Republic is a municipality

1 located within the State of Washington. The remaining allegations contained
2 within this paragraph are incomplete statements of law and do not require a
3 response. To the extent this paragraph requires a response Republic Defendants
4 DENY the same.

6 **GENERAL ALLEGATIONS**

7 12. In answer to the allegations in paragraph 12 of Plaintiff's Amended
8 First Amended Complaint, Republic Defendants lack sufficient knowledge to
9 confirm or deny and therefore DENY the same.

10 13. In answer to the allegations in paragraph 13 of Plaintiff's Amended
11 First Amended Complaint, the Republic Defendants lack sufficient knowledge to
12 ADMIT or DENY and therefore Deny the same.

14 14. In answer to the allegations in paragraph 14 of Plaintiff's Amended
15 First Amended Complaint, the Republic Defendants lack sufficient knowledge and
16 therefore DENY the same.

17 15. In answer to the allegations in paragraph 15 of Plaintiff's Amended
18 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
19 the same.

20 16. In answer to the allegations in paragraph 16 of Plaintiff's Amended
21 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
22 the same.
23
24

1 17. In answer to the allegations in paragraph 17 of Plaintiff's Amended
2 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
3 the same.

4 18. In answer to the allegations in paragraph 18 of Plaintiff's Amended
5 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
6 the same.

7 19. In answer to the allegations in paragraph 19 of Plaintiff's Amended
8 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
9 the same.

10 20. In answer to the allegations in paragraph 20 of Plaintiff's First
11 Amended Complaint, Republic Defendants lack sufficient knowledge and therefore
12 DENY the same.

13 21. In answer to the allegations in paragraph 21 of Plaintiff's Amended
14 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
15 the same.

16 22. In answer to the allegations in paragraph 22 of Plaintiff's Amended
17 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
18 the same.

1 23. In answer to the allegations in paragraph 23 of Plaintiff's Amended
2 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
3 the same.

4 24. In answer to the allegations in paragraph 24 of Plaintiff's Amended
5 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
6 the same.

7 25. In answer to the allegations in paragraph 25 of Plaintiff's Amended
8 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
9 the same.

10 26. In answer to the allegations in paragraph 26 of Plaintiff's First
11 Amended Complaint, Republic Defendants lack sufficient knowledge and therefore
12 DENY the same.

13 27. In answer to the allegations in paragraph 27 of Plaintiff's Amended
14 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
15 the same.

16 28. In answer to the allegations in paragraph 28 of Plaintiff's Amended
17 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
18 the same.

1 29. In answer to the allegations in paragraph 29 of Plaintiff's Amended
2 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
3 the same.

4 30. In answer to the allegations in paragraph 30 of Plaintiff's Amended
5 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
6 the same.

7 31. In answer to the allegations in paragraph 31 of Plaintiff's Amended
8 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
9 the same.

10 32. In answer to the allegations in paragraph 32 of Plaintiff's Amended
11 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
12 the same.

13 33. In answer to the allegations in paragraph 33 of Plaintiff's Amended
14 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
15 the same.

16 34. In answer to the allegations in paragraph 34 of Plaintiff's Amended
17 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
18 the same.

1 35. In answer to the allegations in paragraph 35 of Plaintiff's Amended
2 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
3 the same.

4 36. In answer to the allegations in paragraph 36 of Plaintiff's Amended
5 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
6 the same.

7 37. In answer to the allegations in paragraph 37 of Plaintiff's Amended
8 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
9 the same.

10 38. In answer to the allegations in paragraph 38 of Plaintiff's Amended
11 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
12 the same.

13 39. In answer to the allegations in paragraph 39 of Plaintiff's Amended
14 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
15 the same.

16 40. In answer to the allegations in paragraph 40 of Plaintiff's Amended
17 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
18 the same.

1 41. In answer to the allegations in paragraph 41 of Plaintiff's Amended
2 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
3 the same.

4 42. In answer to the allegations in paragraph 42 of Plaintiff's Amended
5 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
6 the same.

7 43. In answer to the allegations in paragraph 43 of Plaintiff's Amended
8 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
9 the same.
10

11 44. In answer to the allegations in paragraph 44 of Plaintiff's Amended
12 Complaint, Republic Defendants lack sufficient knowledge and therefore DENY
13 the same.
14

15 45. In answer to the allegations in paragraph 45 of Plaintiff's Amended
16 Complaint, Republic Defendants ADMIT City of Republic Police Officer Loren
17 Culp and certified canine handler was dispatched to the scene with canine "Karma"
18 to canvas the area. Defendant DENIES each and every allegation contained in
19 within this paragraph.
20

21 46. In answer to the allegations in paragraph 46 of Plaintiff's Amended
22 Complaint, Republic Defendants ADMIT Plaintiff appeared to be under arrest for
23 DUI at the time Chief Culp arrived at the scene. Chief Culp was told by deputy
24

1 Clark Plaintiff was a “DUI with no odor of intoxicants coming from her.”
2 Defendant Denies the remaining allegations contained in this paragraph.

3 47. In answer to the allegations in paragraph 47 of Plaintiff’s Amended
4 Complaint, Republic Defendants ADMIT Karma is trained to detect the presence
5 of marijuana, heroin, methamphetamine, cocaine and MDMA in the vehicle. Upon
6 detection of the aforementioned substances, canine Karma provides an alert.
7 Defendant denies the remaining allegations contained within this paragraph.
8

9 48. In answer to the allegations in paragraph 48 of Plaintiff’s Amended
10 Complaint, the Republic Defendants ADMIT Culp attached the leash to Karma and
11 brought Karma out of the patrol car but DENY each and every other allegation set
12 forth in this paragraph.
13

14 49. In answer to the allegations in paragraph 49 of Plaintiff’s Amended
15 Complaint, the Republic Defendants ADMIT to using Karma to perform a search
16 but DENY each and every other allegation set forth in this paragraph.
17

18 50. In answer to the allegations in paragraph 50 of Plaintiff’s Amended
19 Complaint, the Republic Defendants ADMIT to using Karma to perform a search
20 but DENY each and every other allegation set forth in this paragraph.
21

22 51. The allegations in paragraph 51 of Plaintiff’s Amended Complaint,
23 are incomplete statements of law and do not require a response. To the extend the
24 paragraph requires a response Republic Defendants DENY the same.

1 52. In answer to the allegations in paragraph 52 of Plaintiff's Amended
2 Complaint, Republic Defendants DENY the same.

3 53. In answer to the allegations in paragraph 53 of Plaintiff's Amended
4 Complaint, Republic Defendants DENY the same.

5 54. In answer to the allegations in paragraph 54 of Plaintiff's Amended
6 Complaint, the Republic Defendants DENY the alert of canine Karma was
7 "manipulated". Republic Defendants ADMIT the officers on scene searched Ms.
8 Farris' car based on a search warrant the was applied for and grated based on the
9 alert by canine Karma.
10

11 55. In answer to the allegations in paragraph 55 of Plaintiff's Amended
12 Complaint, the Republic Defendants ADMIT the officers found roughly \$5000 in
13 Ms, Farris' car. As to the reaming allegations contained within this paragraph
14 Republic Defendants are without sufficient knowledge to confirm or deny and
15 therefore DENY the same.
16

17 56. In answer to the allegations in paragraph 56 of Plaintiff's Amended
18 Complaint, Republic Defendants ADMIT Plaintiff's car was impounded. As to the
19 remaining paragraph, Republic Defendants are without sufficient knowledge to
20 confirm or deny and therefore DENY the same.
21

22 57. In answer to the allegations in paragraph 57 of Plaintiff's Amended
23 Complaint, Republic Defendants DENY the search of Plaintiff's car was
24

1 “overzealous” and that they permanently damaged Plaintiff’s vehicle. Republic
2 Defendants ADMIT drugs were not found in Plaintiff’s vehicle.

3 58. In answer to the allegations in paragraph 58 of Plaintiff’s Amended
4 Complaint, the Republic Defendants lack sufficient knowledge to confirm or deny
5 and therefore DENY the same.

6 59. In answer to the allegations in paragraph 59 of Plaintiff’s Amended
7 Complaint, the Republic Defendants lack sufficient knowledge to confirm or deny
8 and therefore DENY the same.

9 60. In answer to the allegations in paragraph 60 of Plaintiff’s Amended
10 Complaint, Republic Defendants lack sufficient knowledge to admit or deny and
11 therefore DENY the same.

12 61. In answer to the allegations in paragraph 61 of Plaintiff’s Amended
13 Complaint, Republic Defendants lack sufficient knowledge to admit or deny and
14 therefore deny the same.

15 62. In answer to the allegations in paragraph 62 of Plaintiff’s Amended
16 Complaint, Republic Defendants lack sufficient knowledge to admit or deny and
17 therefore deny the same.

18 63. In answer to the allegations in paragraph 63 of Plaintiff’s Amended
19 Complaint, Republic Defendants lack sufficient knowledge to admit or deny and
20 therefore DENY the same.

1 64. In answer to the allegations in paragraph 64 of Plaintiff's Amended
2 Complaint, the Republic Defendants ADMIT the same.

3 65. In answer to the allegations in paragraph 65 of Plaintiff's Amended
4 Complaint, the Republic Defendants ADMIT Plaintiff was booked into jail but
5 lacks sufficient knowledge as to the timeframe and therefore DENY the same.
6

7 66. In answer to the allegations in paragraph 66 of Plaintiff's Amended
8 Complaint, the Republic Defendants ADMIT Ferry County Prosecutor dropped the
9 charges. Defendant lacks sufficient knowledge regarding the remaining allegations
10 within this paragraph and therefore denies the same.

11 67. In answer to the allegations in paragraph 67 of the Plaintiff's
12 Amended Complaint, the Defendant lack sufficient knowledge to Admit or Deny
13 and therefore DENY the same.
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15 68. In answer to the allegations in paragraph 68 of Plaintiff's Amended
16 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
17 and therefore DENY the same.
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19 69. In answer to the allegations in paragraph 69 of Plaintiff's Amended
20 Complaint, the Republic Defendants lack sufficient knowledge to admit or deny
21 and therefore Deny the same.
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1 70. In answer to the allegations in paragraph 70 of Plaintiff's Amended
2 Complaint, the Republic Defendants lack sufficient knowledge to confirm or deny
3 and therefore DENY the same.

4 71. In answer to the allegations in paragraph 71 of Plaintiff's Amended
5 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
6 DENY and therefore DENY the same.

7 72. In answer to the allegations in paragraph 72 of Plaintiff's Amended
8 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
9 DENY and therefore DENY the same.

10 73. In answer to the allegations in paragraph 73 of Plaintiff's Amended
11 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
12 DENY and therefore DENY the same.

13 74. In answer to the allegations in paragraph 74 of Plaintiff's Amended
14 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
15 DENY and therefore DENY the same.

16 75. In answer to the allegations in paragraph 75 of Plaintiff's Amended
17 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
18 DENY and therefore DENY the same.

1 76. In answer to the allegations in paragraph 76 of Plaintiff's Amended
2 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
3 DENY and therefore DENY the same.

4 77. In answer to the allegations in paragraph 77 of Plaintiff's Amended
5 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
6 DENY and therefore DENY the same.

7 78. In answer to the allegations in paragraph 78 of Plaintiff's Amended
8 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
9 DENY and therefore DENY the same.

10 79. In answer to the allegations in paragraph 79 of Plaintiff's Amended
11 Complaint, the Republic Defendants ADMIT/DENY.

12 80. In answer to the allegations in paragraph 80 of Plaintiff's Amended
13 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
14 DENY and therefore DENY the same.

15 81. In answer to the allegations in paragraph 81 of Plaintiff's Amended
16 Complaint, the Republic Defendants ADMIT they have not reached out Plaintiff
17 for any reason. Defendant lacks sufficient knowledge to admit or deny the
18 remaining allegations contained in within this paragraph and therefore deny the
19 same.
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1 82. In answer to the allegations in paragraph 82 of Plaintiff's Amended
2 Complaint, the Republic Defendants ADMIT they have not reached out to
3 apologize. Defendant lacks sufficient knowledge as to the remaining allegations
4 contained within this paragraph and therefore DENY the same.

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6 83. In answer to the allegations in paragraph 83 of Plaintiff's Amended
7 Complaint, the Republic Defendants DENY the same.

8 84. In answer to the allegations in paragraph 84 of Plaintiff's Amended
9 Complaint, the Republic Defendants DENY the same.

10 **FIRST CLAIM FOR RELIEF**

11 ***42 U.S.C. 1983 for Violation of Wendy Farris' Right to Freedom from***
12 ***Unreasonable Searches and Seizures***

13 85. In answer to the allegations in paragraph 85 of Plaintiff's Amended
14 Complaint, Defendant reasserts their previous averments.

15 ***A. Expansion of the Scope by Deputy Clark***

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17 86. The allegations in paragraph 86 of Plaintiff's Amended Complaint,
18 are incomplete statements of law and do not require a response. To extend the
19 paragraph requires a response, Republic Defendants lack sufficient knowledge to
20 Admit or Deny and therefore deny the same.

21 87. In answer to the allegations in paragraph 87 of Plaintiff's Amended
22 Complaint, the Republic Defendants lack sufficient knowledge to admit or deny
23 and therefore DENY the same.

1 88. The allegations in paragraph 88 of Plaintiff's Amended Complaint,
2 are incomplete statements of law and do not require a response. To the extent the
3 paragraph requires a response, Republic Defendants lack sufficient knowledge to
4 admit or deny and therefore DENY the same.

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6 89. In answer to the allegations in paragraph 89 of Plaintiff's Amended
7 Complaint, are incomplete statements of law and do not require a response. To the
8 extent the paragraph requires a response, Republic Defendants lack sufficient
9 knowledge to admit or deny and therefore DENY the same.

10 90. In answer to the allegations in paragraph 90 of Plaintiff's Amended
11 Complaint, Republic Defendants DENY the same.

12
13 *B. False Arrest by Deputy Clerk*

14 91. In answer to the allegations in paragraph 91 of Plaintiff's Amended
15 Complaint, the Republic Defendants lack sufficient information to ADMIT or
16 DENY and therefore DENY the same.

17 92. In answer to the allegations in paragraph 92 of Plaintiff's Amended
18 Complaint, the Republic Defendants lack sufficient information to ADMIT or
19 DENY and therefore DENY the same.

20
21 93. In answer to the allegations in paragraph 93 of Plaintiff's Amended
22 Complaint, the Republic Defendants lack sufficient information to ADMIT or
23 DENY and therefore DENY the same.

1 94. In answer to the allegations in paragraph 94 of Plaintiff's Amended
2 Complaint, the Republic Defendants lack sufficient information to ADMIT or
3 DENY and therefore DENY the same.

4 95. In answer to the allegations in paragraph 95 of Plaintiff's Amended
5 Complaint, the Republic Defendants lack sufficient information to ADMIT or
6 DENY and therefore DENY the same.

7 96. The allegations in paragraph 96 of Plaintiff's Amended Complaint are
8 incomplete statements of law and do not require a response. To the extend this
9 paragraph requires a response, the Republic Defendants lack sufficient knowledge
10 to Admit or Deny and therefore DENY the same.

11 97. In answer to the allegations in paragraph 97 of Plaintiff's Amended
12 Complaint, the Republic Defendants DENY the same.

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14
15 *C. Vehicle Search without Probable Cause*

16 98. In answer to the allegations in paragraph 98 of Plaintiff's Amended
17 Complaint, the Republic Defendants ADMIT the same.

18 99. In answer to the allegations in paragraph 99 of Plaintiff's Amended
19 Complaint, the Republic Defendants ADMIT the same.

20 100. In answer to the allegations in paragraph 100 of Plaintiff's Amended
21 Complaint, the Republic Defendants ADMIT the same.
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1 101. In answer to the allegations in paragraph 101 of Plaintiff's Amended
2 Complaint, the Republic Defendants DENY the same.

3 102. In answer to the allegations in paragraph 102 of Plaintiff's Amended
4 Complaint, the Republic Defendants DENY the same.

5 103. In answer to the allegations in paragraph 103 of Plaintiff's Amended
6 Complaint, the Republic Defendants ADMIT canine Karma alerted giving
7 probable cause and DENY every other allegation contained within this paragraph.
8

9 104. In answer to the allegations in paragraph 104 of Plaintiff's Amended
10 Complaint, Republic Defendants ADMIT drugs were not discovered but DENY
11 each and every other allegation set forth in this paragraph.
12

13 105. The allegations in paragraph 105 of Plaintiff's Amended Complaint,
14 are incomplete statements of law and do not require a response. To the extent the
15 paragraph requires a response Republic Defendants DENY the same.

16 106. In answer to the allegations in paragraph 106 of Plaintiff's Amended
17 Complaint, Republic Defendants DENY the same.

18 107. The allegations in paragraph 107 of Plaintiff's Amended Complaint
19 are incomplete statements of law and do not require a response. To the extent this
20 paragraph requires a response, Republic Defendants DENY the same.
21

22 108. In answer to the allegations in paragraph 108 of Plaintiff's Amended
23 Complaint, Republic Defendants DENY the same.
24

SECOND CLAIM FOR RELIEF

42 U.S.C. 1983 DUE TO Malicious Prosecution against Deputy Clark

109. In answer to the allegations in paragraph 109 of Plaintiff's Amended Complaint, the Republic Defendants reassert their previous averments.

110. In answer to the allegations in paragraph 110 of Plaintiff's Amended Complaint, the Republic Defendants lack sufficient knowledge to confirm or deny and therefore DENY the same.

111. In answer to the allegations in paragraph 111 of Plaintiff's Amended Complaint, Republic Defendants Admit Wendy Farris was sound asleep in her parked car, with her keys in her pocket. The remaining allegations are incomplete statements of law and do not require a response. To the extent this paragraph requires a response, Republic Defendants DENY the same.

112. In answer to the allegations in paragraph 112 of Plaintiff's Amended Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny and therefore DENY the same.

113. In answer to the allegations in paragraph 113 of Plaintiff's Amended Complaint, the Republic Defendants Deny the same.

114. In answer to the allegations in paragraph 114 of Plaintiff's Amended Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny and therefore DENY the same.

1 115. In answer to the allegations in paragraph 115 of Plaintiff's Amended
2 Complaint, the Republic Defendants ADMIT Ms. Farris' cases were dismissed but
3 lack sufficient knowledge to admit or deny the remaining allegations contained
4 within this paragraph and therefore DENY the same.

5
6 116. In answer to the allegations in paragraph 116 of Plaintiff's Amended
7 Complaint, the Republic Defendants DENY the same.

8 **THIRD CLAIM FOR RELIEF**

9 ***42 U.S.C. 1983 Violation (Monell Liability) against Ferry county and City of***
10 ***Republic*²**

11 117. In answer to the allegations in paragraph 117 of Plaintiff's Amended
12 Complaint, the Republic Defendants reassert their previous averments.

13 ***A. City of Republic is Responsible for the Practices of Its Policymaker***

14 118. The allegations in paragraph 118 of Plaintiff's Amended Complaint, is
15 an incomplete statement of law and do not require a response. To the extent this
16 paragraph requires a response Republic Defendants DENY the same.

17 119. The allegations in paragraph 119 of Plaintiff's Amended Complaint
18 are incomplete statements of law and do not require a response. To the extent this
19 paragraph requires a response, the Republic Defendants DENY the same.
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1 120. The allegations in paragraph 120 of Plaintiff's Amended Complaint,
2 are incomplete statements of law. To the extent this paragraph requires a response,
3 Republic Defendants DENY the same.

4 121. The allegations in paragraph 121 of Plaintiff's Amended Complaint,
5 are incomplete statements of law and do not require a response. To the extent this
6 paragraph requires a response, the Republic Defendants DENY the same.

7 122. The allegations in paragraph 122 of Plaintiff's Amended Complaint
8 are incomplete statements of law and do not require a response. To the extent this
9 paragraph requires a response, Republic Defendants DENY the same.

10 123. In answer to the allegations in paragraph 123 of Plaintiff's Amended
11 Complaint, the Republic Defendants DENY the same.

12
13
14 *B. Ferry County is liable for failure to train*

15 124. In answer to the allegations in paragraph 124 of Plaintiff's Amended
16 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
17 and therefore DENY the same.

18 125. In answer to the allegations in paragraph 125 of Plaintiff's Amended
19 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
20 and therefore Deny the same.

1 126. In answer to the allegations in paragraph 126 of Plaintiff's Amended
2 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
3 and therefore DENY the same.

4 127. In answer to the allegations in paragraph 127 of Plaintiff's Amended
5 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
6 and therefore DENY the same.

7 128. In answer to the allegations in paragraph 128 of Plaintiff's Amended
8 Complaint, the Republic Defendants lack sufficient information to Admit or Deny
9 and therefore DENY the same.

10 129. In answer to the allegations in paragraph 129 of Plaintiff's Amended
11 Complaint, the Republic Defendants DENY the same.

12 130. In answer to the allegations in paragraph 130 of Plaintiff's Amended
13 Complaint, the Republic Defendants DENY the same.

14 131. In answer to the allegations in paragraph 131 of Plaintiff's Amended
15 Complaint, the Republic Defendants DENY the same.

16 132. In answer to the allegations in paragraph 132 of Plaintiff's Amended
17 Complaint, the Republic Defendants DENY the same.

18 133. In answer to the allegations in paragraph 133 of Plaintiff's Amended
19 Complaint, the Republic Defendants DENY the same.

FOURTH CLAIM FOR RELIEF

***State Claim for False Arrest/False Imprisonment against Deputy Clark and
Ferry County***

134. In answer to the allegations in paragraph 134 of Plaintiff's Amended Complaint, the Republic Defendants reassert their previous averments.

135. In answer to the allegations in paragraph 135 of Plaintiff's Amended Complaint, the Republic Defendants Admit the same.

136. In answer to the allegations in paragraph 136 of Plaintiff's Amended Complaint, the Republic Defendants ADMIT Deputy Clark performed an investigatory stop upon receiving a call that Plaintiff was slumped over in her car and parked off the side of the road.

137. In answer to the allegations in paragraph 137 of Plaintiff's Amended Complaint, the Republic Defendants Admit Deputy Clark made an investigatory stop to check on the status of Ms. Farris but lack sufficient knowledge to Admit or Deny the remaining allegations within this paragraph and therefore DENY the same.

138. In answer to the allegations in paragraph 138 of Plaintiff's Amended Complaint, the Republic Defendants lack sufficient knowledge to admit or deny and therefore DENY the same.

139. The allegations in paragraph 139 of Plaintiff's Amended Complaint, are incomplete statements of law and do not require a response. To the extent the

1 paragraph requires a response, Republic Defendants Admit Deputy Clark did not
2 detect the odor of intoxicants. Republic Defendants lack sufficient knowledge to
3 Admit or Deny and therefore DENY the remaining allegations in the paragraph
4 and therefore DENY the same.

5
6 140. In answer to the allegations in paragraph 140 of Plaintiff's Amended
7 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or Deny
8 and therefore DENY the same.

9
10 141. In answer to the allegations in paragraph 141 of Plaintiff's Amended
11 Complaint, the Republic Defendants lack sufficient knowledge to admit or deny
12 and therefore DENY the same.

13
14 142. In answer to the allegations in paragraph 142 of Plaintiff's Amended
15 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
16 DENY and therefore DENY the same.

17
18 143. In answer to the allegations in paragraph 143 of Plaintiff's Amended
19 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
20 DENY and therefore DENY the same.

21
22 144. In answer to the allegations in paragraph 144 of Plaintiff's Amended
23 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
24 DENY and therefore DENY the same.

1 145. In answer to the allegations in paragraph 145 of Plaintiff's Amended
2 Complaint, the Republic Defendants DENY the same.

3 146. In answer to the allegations in paragraph 146 of Plaintiff's Amended
4 Complaint, the Republic Defendants DENY the same.

5 147. In answer to the allegations in paragraph 147 of Plaintiff's Amended
6 Complaint, the Republic Defendants DENY the same.

7
8 **FIFTH CLAIM FOR RELIEF**

9 *State Claim for Malicious Prosecution against Deputy Clark and Ferry County*

10 148. In answer to the allegations in paragraph 148 of Plaintiff's Amended
11 Complaint, the Republic Defendants reassert their previous averments.

12 149. In answer to the allegations in paragraph 149 of Plaintiff's Amended
13 Complaint, the Republic Defendants ADMIT the same.

14 150. In answer to the allegations in paragraph 150 of Plaintiff's Amended
15 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
16 and therefore DENY the same.

17
18 151. The allegations in paragraph 151 of Plaintiff's Amended Complaint,
19 are incomplete statements of law and do not require a response. To the extent this
20 paragraph requires a response, Republic Defendants Admit plaintiff was asleep in
21 her vehicle when she was approached by Deputy Clark but lack sufficient
22
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1 knowledge to admit or deny the remaining allegations contained in this paragraph
2 and therefore DENY the same.

3 152. In answer to the allegations in paragraph 152 of Plaintiff's Amended
4 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
5 and therefore DENY the same.
6

7 153. In answer to the allegations in paragraph 153 of Plaintiff's Amended
8 Complaint, the Republic Defendants DENY the same.

9 154. In answer to the allegations in paragraph 154 of Plaintiff's Amended
10 Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or
11 DENY and therefore DENY the same.
12

13 155. In answer to the allegations in paragraph 155 of Plaintiff's Amended
14 Complaint, the Republic Defendants ADMIT cases against Plaintiff were
15 dismissed but lacks sufficient knowledge as to the remaining allegations contained
16 within the paragraph and therefore denies the same.

17 156. In answer to the allegations in paragraph 156 of Plaintiff's Complaint,
18 the Republic Defendants DENY the same.
19

20 **FIFTH CLAIM FOR RELIEF**

21 ***State Claim for Negligence Against all Republic Defendants***

22 157. In answer to the allegations in paragraph 157 of Plaintiff's Amended
23 Complaint, the Republic Defendants reassert their previous averments.
24

1 158. In answer to the allegations in paragraph 158 of Plaintiff's Amended
2 Complaint, the Republic Defendants ADMIT the same.

3 159. In answer to the allegations in paragraph 159 of Plaintiff's Amended
4 Complaint, the Republic Defendants ADMIT the same.

5 160. The allegations in paragraph 160 of Plaintiff's Amended Complaint,
6 are incomplete statements of law and do not require a response. To the extent the
7 paragraph requires a response, Republic Defendants DENY the same.

8 161. The allegations in paragraph 161 of Plaintiff's Amended Complaint
9 are incomplete statements of law and therefore do not require a response. To the
10 extend this paragraph requires a response, Republic Defendants DENY the same.

11 162. The allegations in paragraph 162 of Plaintiff's Amended Complaint
12 are incomplete statements of law and do not require a response. To the extent this
13 paragraph requires a response, the Republic Defendants DENY the same.

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15
16 *Deputy Clark's Breach of Duty*

17 163. In answer to the allegations in paragraph 163 of Plaintiff's Amended
18 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
19 and therefore DENY the same.

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21 164. In answer to the allegations in paragraph 164 of Plaintiff's Amended
22 Complaint, Republic Defendants lack sufficient knowledge to Admit or Deny and
23 therefore DENY the same.

165. In answer to the allegations in paragraph 165 of Plaintiff's Amended Complaint, the Republic Defendants lack sufficient knowledge to ADMIT or DENY and therefore DENY the same.

166. The allegations in paragraph 166 of Plaintiff's Amended Complaint, are incomplete statements of law and do not require a response. To the extent this paragraph requires a response, Republic Defendants DENY the same.

167. In answer to the allegations in paragraph 167 of Plaintiff's Amended Complaint, the Republic Defendants DENY the same.

Chief Culp's Breach of Duty

168. In answer to the allegations in paragraph 168 of Plaintiff's Amended Complaint, the Republic Defendants ADMIT Chief Culp initiated canine Karma to search the vehicle. Republic Defendants DENY the remaining allegations contained within this paragraph.

169. In answer to the allegations in paragraph 169 of Plaintiff's Amended Complaint, the Republic Defendants ADMIT canine Karma went around the vehicle one time and did not alert.

170. In answer to the allegations in paragraph 170 of Plaintiff's Amended Complaint, Republic Defendants DENY the same.

171. In answer to the allegations in paragraph 171 of Plaintiff's Amended Complaint, Republic Defendants DENY the same.

1 172. In answer to the allegations in paragraph 172 of Plaintiff's Amended
2 Complaint, Republic Defendants DENY the same.

3 173. In answer to the allegations in paragraph 173 of Plaintiff's Amended
4 Complaint, Republic Defendants DENY the same.

5 174. In answer to the allegations in paragraph 174 of Plaintiff's Amended
6 Complaint, Republic Defendants DENY the same.

7
8 *Ferry County Sheriff's Breach of Duty*

9 175. In answer to the allegations in paragraph 175 of Plaintiff's Amended
10 Complaint, the Republic Defendants lack sufficient knowledge to Admit or Deny
11 and therefore DENY the same.

12 176. In answer to the allegations in paragraph 176 of Plaintiff's Amended
13 Complaint, the Republic Defendants lack sufficient information to admit or deny
14 and therefore DENY the same.

15 177. In answer to the allegations in paragraph 177 of Plaintiff's Amended
16 Complaint, the Republic Defendants lack sufficient information to Admit or Deny
17 and therefore DENY the same.

18 178. In answer to the allegations in paragraph 178 of Plaintiff's Amended
19 Complaint, the Republic Defendants lack sufficient information to ADMIT or
20 DENY and therefore DENY the same.

1 179. In answer to the allegations in paragraph 179 of Plaintiff's Amended
2 Complaint, the Republic Defendants lack sufficient information to admit or deny
3 but therefore DENY the same.

4 180. In answer to the allegations in paragraph 180 of Plaintiff's Amended
5 Complaint, the Republic Defendants DENY the same.

6 181. In answer to the allegations in paragraph 181 of Plaintiff's Amended
7 Complaint, the Republic Defendants DENY the same.

8 182. In answer to the allegations in paragraph 182 of Plaintiff's Amended
9 Complaint, the Republic Defendants DENY the same.

10
11 **PRAYER FOR RELIEF**

12
13 No response is required to Plaintiff's prayer for judgment. To the extent that
14 a response is required, Republic Defendants DENY that Plaintiff is entitled to any
15 relief pursuant to Plaintiff's Complaint.

16 **JURY DEMAND**

17 In accordance with F.R.C.P 38 and pursuant to the Seventh Amendment,
18 these answering Republic Defendants hereby demand this matter appear before a
19 jury.

20 **AFFIRMATIVE DEFENSES**

21 By way of further answer to Plaintiff's Complaint and in the form of
22 affirmative defenses, Republic Defendants allege:
23
24

1 1. Plaintiff has failed to state a claim upon which relief can be granted.

2 2. City of Republic Police Chief Loren Culp acted reasonably and in
3 food faith and is entitled to qualified immunity.

4 3. Based upon information and belief subject to discovery, Plaintiff may
5 have failed to mitigate her damages.

6 4. Based upon belief, and subject to discovery, Plaintiff's claimed
7 injuries and damages may be the result of Plaintiff's own actions and inactions.
8

9 WHEREFORE, having fully answered Plaintiff's Complaint herein,
10 Republic Defendants pray that the same be dismissed with prejudice and held for
11 naught, Republic Defendants be awarded attorney fees, costs and disbursements
12 herein as allowed by law and for any further relief deemed just and equitable by
13 the Court.
14

15 DATED this 28th day of January, 2021.

16 MOBERG RATHBONE KEARNS, P.S.

17
18 s/ Jerry J. Moberg

19 JERRY J. MOBERG, WSBA No. 5282

20 jmoberg@mrklawgroup.com

21 Attorneys for Republic Defendants
22
23
24

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Michael E. McFarland Jr.
Evans, Craven & Lackie, PS
West 818 Riverside Avenue
Suite 250
Spokane, WA 99201
mmcfarland@ecl-law.com
kmauss@ecl-law.com

Eric M Fong
Fong Law, PLLC
569 Division Street
Suite A
Port Ordard, WA 98366
eric@ericfonglaw.com

DATED January 28, 2021 at Ephrata, WA.

/s/ Dawn Severin

Dawn Severin, Senior Paralegal